

REMARKS

This responds to the Office Action mailed on April 10, 2008.

Claims 1, 2, and 14 are amended and no claims canceled or added; as a result, claims 1-23 remain pending in this application.

Specification Objections

Applicant has amended the specification, as detailed above, to add a Summary section and to shorten the Abstract to the 150 word limit. Applicant respectfully submits that the added Summary section is supported by the original disclosure simply by the fact that Applicant has copied the original Abstract as filed. The Abstract amendments simply remove roughly the second half of the originally filed Abstract and reduce the number of words to 140.

Entry of the specification amendments and withdrawal of the objections thereto are respectfully requested.

§101 Rejection of the Claims

Claims 1-7 were rejected under 35 U.S.C. § 101 as being non-statutory subject matter. Applicant has amended independent claim 1 to clarify the patentable nature of claim 1 and claims 2-7 which depend there from. These amendments further define the physical structure of the apparatus and clarifies how the physical structure is interconnected and operates to transform data to provide a useful, concrete, and tangible result. Entry of the amendments and withdrawal of the 35 U.S.C. § 101 rejection are respectfully requested.

§112 Rejection of the Claims

Claims 2, 6 and 14 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness.

Applicant has amended claim 2 to clarify that *n* is a number of bit table entries and *m* is a width of the bit table.

With regard to claim 6, Applicant respectfully submits that the “*n*” of the 2^{*n*}-bit vector is a common way to illustrate a variable number of bits. Further, Applicant respectfully submits that one of skill in art would readily appreciate this and especially upon reading the specification

paragraph beginning at page 5, line 26 which references the illustrated 2"-bit vector 46 illustrated in FIG. 3.

Applicant has amended claim 14 to correct the antecedent basis issue with regard to the instruction retirement unit.

Thus, in view of the amendments to claims 2 and 14 and the arguments with regard to claim 6, Applicant respectfully requests withdrawal of the 35 U.S.C. § 112, second paragraph rejections.

§102 Rejection of the Claims

Claims 1-23 were rejected under 35 U.S.C. § 102(e) for anticipation by Calder et al. (Pub. No. U.S. 2004/0111708 A1; hereinafter ‘Calder’).

Calder has a filing date of September 9, 2003 and claims priority to two provisional applications both with filing dates of September 9, 2002. Applicant includes herewith, a declaration prepared under 37 C.F.R. § 1.131 which provides evidence of Applicant’s actual reduction to practice in the United States prior to the September 9, 2002 provisional application filing dates by Calder and less than one year prior to the February 5, 2003 filing date of the 60/445,368 Provisional Patent Application to which the present application claims priority.

Thus, in view of the declaration under 37 C.F.R. § 1.131 and the evidence included therewith, Applicant respectfully request withdrawal of the 35 U.S.C. § 102(e) rejection and allowance of claims 1-23.

Note With Regard to the Declaration Under 37 C.F.R. § 1.131

The declaration includes a typographical error in the paragraph numbering. The declaration includes paragraphs numbered 1, 2, and 4. The number 3 was inadvertently skipped and omission of a paragraph number 3 does not indicate a page is missing from the declaration.

CONCLUSION

Applicant respectfully submits that claims 1-23 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 10 July 2008

By Timothy B. Clise

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 10 day of July 2008.

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